



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Joshua E. Dubs  
Law Offices of Joshua Dubs, PLLC  
37 Franklin St., Suite 1000  
Buffalo, NY 14202

JAN 26 2018

RE: MUR 7277  
Buffalo for Bernie Sanders  
and Brian Nowak, as treasurer

Dear Mr. Dubs:

On September 26, 2017, the Federal Election Commission ("Commission") notified your clients of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). On January 4, 2018, based upon the information contained in the complaint and information provided by you, the Commission decided to dismiss allegations that your clients violated provisions of the Act. The Commission then closed its file in this matter. A copy of the General Counsel's Report, which more fully explains the basis for the Commission's decision, is enclosed.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66132 (Dec. 14, 2009). If you have any questions, please contact Don Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson  
Acting General Counsel

A handwritten signature in black ink, appearing to read "Jeff S. Jordan", is written over the typed name.

BY: Jeff S. Jordan  
Assistant General Counsel

Enclosure:  
General Counsel's Report

**BEFORE THE FEDERAL ELECTION COMMISSION**  
**ENFORCEMENT PRIORITY SYSTEM**  
**DISMISSAL REPORT**

**MUR: 7277**

**Respondents: Buffalo for Bernie Sanders  
And Brian Nowak, as treasurer  
(The "Committee")**

**Complaint Receipt Date: September 20, 2017**

**Response Date: November 6, 2017**

**EPS Rating:**

**Alleged Statutory**

**52 U.S.C. §§ 30104(b); 30124(b)**

**Regulatory Violations:**

**11 C.F.R. §§ 104.3(a), (c); 110.16(b)(1), (2)**

The Complainant alleges that he and his wife made three donations totaling \$750 to the Committee, which were not itemized in any report to the Commission.<sup>1</sup> The Complainant claims that the checks were deposited in three separate banks and questions whether the funds were used to support presidential candidate Bernie Sanders. The Committee responds that the name "Buffalo for Bernie" was also used by state-registered campaigns, and asserts that the Complaint does not clarify whether the checks had been contributed to a state committee or the federal committee.<sup>2</sup> The Committee notes that the first two checks were issued before the Committee existed, and the third check, in the amount of \$100, fell below the threshold for itemizing contributions.<sup>3</sup>

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These

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<sup>1</sup> The Complainant claims that he and his wife contributed to the Committee ("Buffalo for Bernie Sanders"), however copies of the cancelled checks attached to the Complaint show they were made out to "Buffalo for Bernie."

<sup>2</sup> The Response asserts that Nowak was only the treasurer for the federal committee, and not the treasurer of related state campaign committees. The Committee was approved for termination on April 21, 2016. It also asserts that the Complaint is a politically motivated attack relating to a local election. Resp. at 1.

<sup>3</sup> The first two checks, for \$450 and \$200, were dated September 13, 2015, and October 10, 2015, four months before the Committee registered with the Commission on February 21, 2016. The third check was dated March 5, 2016.

criteria include (1) the gravity of the alleged violation, taking into account both the type of activity and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating, the low amounts at issue, and the termination of the Committee, we recommend that the Commission dismiss the Complaint consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources.<sup>4</sup> We also recommend that the Commission close the file as to all the Respondents and send the appropriate letters.

Lisa J. Stevenson  
Acting General Counsel

Kathleen M. Guith  
Associate General Counsel

11.21.17  
Date

BY: Stephen Gura  
Stephen Gura  
Deputy Associate General Counsel

Jeff S. Jordan  
Jeff S. Jordan  
Assistant General Counsel

Donald E. Campbell  
Donald E. Campbell  
Attorney

<sup>4</sup> *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985).